



Statutory Document No. 4/97
G.O. Reference No. 080.4(1)

STATEMENT OF CHANGE IN IMMIGRATION RULES

The Lieutenant Governor has made the changes hereinafter stated in the rules laid down by him as to the practice to be followed in the administration of the Immigration Act 1971 (an Act of Parliament) (a) (as extended to the Isle of Man (b)) for regulating entry into and the stay of persons in the Isle of Man contained in the statement laid before Tynwald on 18th October, 1994, (c) (as amended (d)).

These changes shall take effect on 14th August, 1997

1. In paragraph 8 of the said statement:-

for the definition of "public funds" there shall be substituted:

"public funds" means

- (a) housing under Part IV of the Housing Act 1955 (e);
- (b) supplementary benefit under Supplementary Benefit Act 1976 (an Act of Parliament) and family income supplement; under the Family Income Supplement Act 1985 (an Act of Tynwald);
- (c) attendance allowance, severe disablement allowance, invalid care allowance and disability living allowance under Part III of the Social Security Contributions and Benefit Act 1992 (an Act of Parliament) and child benefit under Part IX of the same Act;
- (d) disability working allowance under Part VII of the Social Security Contributions and Benefits Act 1992 (an Act of Parliament) and housing costs under the Supplementary Benefit Act 1976 (an Act of Parliament);
- (e) Income based jobseekers allowance under the Jobseekers Act 1995 (an Act of Parliament);
- (f) with regard to persons seeking entry clearance, leave to enter or remain or variation of leave as students, working holidaymakers or visitors all other benefits payable by the Department of Health and Social Security;

and any reference in this definition to an Act of Parliament is a reference to that Act as it has effect in the Isle of Man".

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- (a) 1971 Chapter 77 (Parliament)
 - (b) S.I. 1991 No 2630
 - (c) S.D. 373/94
 - (d) S.D. 399/94, S.D. 540/95, S.D. 1/96, S.D. 146/96 and S.D. 180/96, S.D. 86/97
 - (e) Vol. XVIII p.544.

2. After paragraph 32 there shall be inserted:

"32A. An entry clearance may be revoked if the Entry Clearance Officer is satisfied that:

 - (i) whether or not to the holder's knowledge, false representations were employed or material facts were not disclosed, either in writing or orally, for the purpose of obtaining the entry clearance; or
 - (ii) a change of circumstances since the entry clearance was issued has removed the basis of the holder's claim to be admitted to the Isle of Man, except where the change of circumstances amount solely to his exceeding the age for entry in one of the categories contained in paragraphs 259-266 of these rules since the issue of the entry clearance; or
 - (iii) the holder's exclusion from the Isle of Man would be conducive to the public good".
3. In paragraphs 72 and 75 (postgraduate doctors and dentists), there shall be inserted after sub-paragraph (iii) :

"; and (iv) is able to maintain and accommodate himself and any dependants without recourse to public funds".
4. In each of the headings to paragraphs 78 to 83 (spouses and children of students), after "student" there shall be added "or prospective student".
5. In paragraphs 78 and 81 (requirements for spouses and children of students), there shall be inserted after "paragraphs 59-77" in sub-paragraph (i) "or 84-89"
6. In paragraph 91 (requirements for "au pairs"), there shall be inserted after sub-paragraph (viii) :

"; and (ix) is able to maintain and accommodate himself without recourse to public funds".
7. In paragraph 94 (extension of stay as an "au pair"), for "91 (ii)-(vii)" in sub-paragraph (iii) there shall be substituted "91 (ii)-(ix)".
8. In paragraphs 177 and 182 (persons intending to enter or remain for self-employment in the Isle of Man pursuant to an EC association agreement), for "Slovenia" there shall be substituted "Slovakia".
9. In paragraph 283 (refusal of entry clearance or leave to enter) after "paragraph 20 of these Rules" there shall be inserted "or that he seeks leave to enter for the same purpose as that for which his earlier leave was granted".
10. In Appendix 1:
 - (1) for paragraph 2(b) there shall be substituted :

"(b) those who seek leave to enter the Isle of Man within the period of their earlier leave and for the same purpose as that for which that leave was granted, unless it -

 - (i) was for a period of six months or less, or
 - (ii) was extended by statutory instrument;".
 - (2) the word "Zaire" shall be deleted and after "Cuba" there shall be inserted "Democratic Republic of the Congo (Zaire)" and
 - (3) after Dominican Republic there shall be inserted "Ecuador" and paragraph 62(i) of the said statement shall not apply to any application for an extension of stay for the purpose of studying made by a national of Ecuador whose current leave to enter or remain was granted before 14th August, 1997.

Explanatory Note

This statement of change in the immigration rules amends the definition of public funds to include child benefit and income-based jobseekers allowance.

The change also emphasises that in order to qualify for entry or extensions of stay au pairs, post graduate doctors and dentists and their dependants, must be able to maintain and accommodate themselves without claiming public funds.

The opportunity has also been taken to make amendments of a minor or technical nature and to add to the Appendix the nationals of Ecuador, who will now require visas to enter the Isle of Man and to amend the reference to Zaire to read the Democratic Republic of the Congo as it is now known.